



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1638

In re: Application of SONG, et al.

Serial No.: 09/896,720

Examiner: KRUSE, DAVID H.

RECEIVED

Date Filed: June 29, 2001

Group: 1638

NOV 06 2002

For: UBIQUITIN LIGASE

TECH CENTER 1600/2900

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Commissioner for Patents, Washington, DC 20231 on

October 30, 2002.

Reg. No. 42,730

Stanley A. Kim, Ph.D., Esq.

TRANSMITTAL LETTER

Commissioner for Patents  
Washington, DC 20231

Sir:

Please find enclosed for filing the following:

X Response; and

X One postcard.

Although no fee is believed due, please charge any underpayment to Deposit Account No. 50-0951. This letter is submitted in duplicate.

Date: October 30, 2002

Docket No. 5853-173

Respectfully submitted,

Gregory A. Nelson, Esq.

Registration No. 30,577

Stanley A. Kim, Ph.D., Esq.

Registration No. 42,730

AKERMAN SENTERFITT

222 Lakeview Avenue, Suite 400

West Palm Beach, FL 33401

Telephone: (561) 653-5000



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Stanley A. Kim, Ph.D., Esq.

RESPONSE

Commissioner for Patents  
Washington, DC 20231

Sir:

This response is in reply to the office action mailed October 1, 2002 (the "Office Action").

REMARKS

Election/Restriction

In the above-identified Office Action, the Examiner issued a restriction requirement and required election of one of the following groups under 35 U.S.C. § 121:

- I: Claims 1-7, 19 and 20, drawn to a purified nucleic acid encoding a XB3 protein or an XB3-like protein, a vector comprising said nucleic acid, a cell comprising said nucleic acid and a method of modulating disease resistance in a plant cell or seed by transforming a plant cell with said nucleic acid, classified in class 536, subclass 23.6, for example.
- II: Claims 8-13, drawn to a purified XB3-like protein and an antibody directed thereto, classified in class 530, subclass 370, for example.